

BPAC

AGENDA ITEM NO. 4

PUBLIC HEARING AND
COMMITTEE RECOMMENDATION:
PROPOSED REGULATIONS
GOVERNING DETERMINATION OF
“EMPLOYEE” STATUS

Attachment B

Notice of Rescheduled
Public Hearing



California Regulatory Notice Register

REGISTER 2008, NO. 49-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 5, 2008

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z2008-1125-01 2083

Multi-County: Yucaipa-Calimesa Joint Unified School District
 School Project for Utility Rate Reduction (SPURR)
 Napa Vallejo Waste Management Authority

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Gypsy Moth Eradication Area — Notice File No. Z2008-1125-02 2084

TITLE 13. AIR RESOURCES BOARD

Plug-In Hybrid Electric Vehicles 2009 — Notice File No. Z2008-1125-06 2085

TITLE 13. AIR RESOURCES BOARD

In-Use Off-Road Diesel Vehicles 2009 — Notice File No. Z2008-1125-07 2089

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Contingency Plans — Notice File No. Z2008-1121-01 2093

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Adult Parole and Registration — Notice File No. Z2008-1119-01 2095

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate Law Libraries — Notice File No. Z2008-1120-01 2097

TITLE 16. STRUCTURAL PEST CONTROL BOARD

Armed Services Exemption/Structural Integrated Pest Management Definition
— Notice File No. Z2008-1125-03 2099

TITLE 17. AIR RESOURCES BOARD

Small Containers of Automotive Refrigerant — Notice File No. Z2008-1125-05 2101

(Continued on next page)

*Time-
Dated
Material*

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

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| <i>California Employer Identification Report (CEIR)</i> | 2105 |
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DEPARTMENT OF HEALTH CARE SERVICES

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| <i>Revision of Reimbursement Methodology for Outpatient Hospital Facility Services</i> | 2106 |
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OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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| <i>Notice of Public Meeting/Business Meeting</i> | 2106 |
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DEPARTMENT OF HEALTH CARE SERVICES

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| <i>Notice Concerning Workshop on Developing Recommendations for Improving Quality for Skilled Nursing Facilities</i> | 2107 |
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DEPARTMENT OF HEALTH CARE SERVICES

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| <i>Exempting Small and Rural Hospitals from the Ten Percent Medi-Cal Provider Payment Reduction</i> | 2108 |
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PUBLIC EMPLOYEES RETIREMENT SYSTEM

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| <i>Notice of Rescheduled Hearing re: Determination of "Employee" Status</i> | 2109 |
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PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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| <i>Chemicals Under Consideration for Possible Listing Via the Authoritative Bodies Mechanism: Request for Relevant Information</i> | 2109 |
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OAL REGULATORY DETERMINATION

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

DEPARTMENT OF PERSONNEL ADMINISTRATION

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| <i>Concerning the Department of Personnel Administration's "Hiring Above Minimum" (HAM) Salary Policies Discussed in PML 90-07, PML 90-07A, and PML 2007-026</i> | 2111 |
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SUMMARY OF REGULATORY ACTIONS

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| Regulations filed with the Secretary of State | 2113 |
| Sections Filed, June 25, 2008 to November 26, 2008 | 2116 |

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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percent payment reduction for dates of service on or after November 1, 2008.

PUBLIC REVIEW AND COMMENTS

The California statutes that prescribe the changes discussed above are available for public review at local county welfare offices throughout the State. A copy of the California statutes discussed above may also be requested in writing from Linda Machado, Chief, Professional Provider Unit; Department of Health Care Services; Medi-Cal Benefits, Waivers Analysis, and Rates Division; MS 4612; P.O. Box 997413; Sacramento, CA 95899-7413. Comments may also be submitted to Ms. Machado at the above address.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

**PROPOSED ADOPTION OF ARTICLE 6.5,
SECTIONS 578 THROUGH 578.1
OAL NOTICE FILE NUMBER Z-2008-1007-05
REGISTER 2008, NO. 42-Z, OCTOBER 17, 2008**

NOTICE OF RESCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) has rescheduled the public hearing regarding the above referenced regulatory action pertaining to the Determination of "Employee" Status, from the originally noticed date and time of the regularly scheduled meeting of the Benefits and Program Administration Committee of the CalPERS Board, December 17, 2008, at 9:00 a.m.

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the rescheduled meeting of the CalPERS Benefits and Program Administration Committee:

**December 16, 2008
8:30 a.m.**

California Public Employees' Retirement System
Lincoln Plaza North, Auditorium
400 P Street
Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Joe Parilo, Acting Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, California 94229-2702

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E-mail: joe_parilo@calpers.ca.gov

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

CHEMICALS UNDER CONSIDERATION FOR POSSIBLE LISTING VIA THE AUTHORITATIVE BODIES MECHANISM: REQUEST FOR RELEVANT INFORMATION December 5, 2008

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act), which is codified as Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8).

One mechanism by which a chemical is listed is if a body considered to be authoritative by the state's qualified experts has formally identified it as causing cancer or reproductive toxicity. For carcinogenicity, the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), the U.S. Food and Drug Administration (FDA), and the National Institute for Occupational Safety and Health (NIOSH) have been identified as authoritative bodies for purposes of the Act. The criteria for listing chemicals through the "authoritative bodies" mechanism are set